IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.6123 OF 2006.

Balkrishnan Ratnakar Unavane. ..Petitioner.

Vs.

Chief Executive Officer,
Z.P. Nashik. .. ..Respondent.

Mr.Amit Shastri for Petitioner.

Mrs. Manisha Shekhar i/b Mr.Umesh
Mankapur for Respondent No.1.

CORAM:R.M.S.KHANDEPARKAR,J.

DATED:15TH NOVEMBER, 2006.

P.C.:-

1. Heard.

2. The petitioner challenges order dated 7th March,2006 passed by the Industrial Court, Nasik dismissing the complaint filed by the petitioner regarding unfair labour practice being adopted by the respondent under Item Nos. 5,9 and 10 of Schedule IV of M.R.T.U. and P.U.L.P.Act, 1971. Petitioner has alleged that the act of the respondent in not considering the applications of the petitioner for post of Wireman amounted to indulgence in unfair labour practice of Item Nos. 5,9 and 10 of Schedule IV of M.R.T.U. and P.U.L.P.Act,1971.

3. As regards allegations amongst favouritism and denial of opportunity for promotion, undisputedly the petitioner in the course of cross-examination, had admitted that the promotional avenue in the cadre is Treasurer or Nike whereas the complaint of the petitioner was that he was being denied promotion to the post of Wireman or Electrician. There was clear finding in the impugned order to that effect and the petitioner has not been able to challenge the said finding. It is clearly apparent from the record that finding is borne out from the record and itself discloses that there is no substance in the complaint filed by the petitioner and, therefore, Industrial Court was justified in dismissing the complaint. The impugned order does not suffer from any jurisdictional error nor it warrants interference in writ jurisdiction under Article 227 of the Constitution. The petition, therefore, is rejected.

[R.M.S.KHANDEPARKAR,J]